

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 884 of 1995

in

SPECIAL CIVIL APPLICATION No 165 of 1979

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT and
MR.JUSTICE C.K.THAKKER

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

MUSAMIYA IMAM HAIDERBUX RAZVI

Versus

STATE OF GUJARAT

Appearance:

MR MI PATEL for Petitioner
MR YF MEHTA for respondents.

CORAM : THE CHIEF JUSTICE G.D.KAMAT and
MR.JUSTICE C.K.THAKKER

Date of decision: 31/07/96

ORAL JUDGEMENT

Admitted. By consent to be heard forthwith.

This Letters Patent Appeal challenges the order of the learned Single Judge dt. 31st August 1995 whereunder the learned Single Judge held that the review application cannot be entertained as the learned Single Judge who had passed the main order is no longer available having retired by reaching superannuation.

In view of the judgment in Geetaben Janakbhai vs. Competent Authority, reported in 1995(2) GLH 279, the impugned order dt. 31st August 1995 cannot be sustained. Hence, the appeal is allowed. The impugned order dt. 31st August 1995 in Misc. Civil Application No. 379 of 1995 is quashed and set aside. The learned Single Judge is directed to hear the aforementioned Civil Misc. Application on its merits. There shall be no order as to costs.

Dt. 31.7.1996. (G.D.KAMAT C.J.)

(C.K.THAKKER J.)
